

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed November 28, 2006. At the time of the Office Action, Claims 1-28 were pending in the Application. Applicant amends Claims 1, 8, 15, and 22 without prejudice or disclaimer. The amendments to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejection

The Examiner rejects Claims 1-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,512,754 issued to Feder et al. (hereinafter "*Feder*") in view of U.S. Patent No. 6,134,245 issued to Scarmalis (hereinafter "*Scarmalis*"). This rejection is respectfully traversed for the following reasons.

Applicant respectfully reminds the Examiner that in order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior reference (or references when combined) must teach or suggest all of the claim limitations.¹

It is respectfully submitted that Claim 1 is patentable over the art of record based on at least the third criterion of obviousness: none of the references alone or in combination teach, suggest, or disclose each and every claim limitation. For example, Independent Claim 1, as previously amended, recites:

An apparatus for compressing data, comprising:
a cell site element associated with a base transceiver station and operable to receive a packet communicated by a mobile station and to *extract a high-level data link control (HDLC) payload from the packet*, wherein the cell site element is further operable to perform *a compression process on the HDLC payload* in order to reduce a number of bytes associated with the packet, the cell site

¹ See M.P.E.P. § 2142-43.

element being further operable to build a key that maps the HDLC payload associated with the packet to the key, ***the key being broken into segments that are positioned into a source internet protocol (IP) address field, a user datagram protocol (UDP) source port field, and a UDP destination port field of a UDP packet***, the UDP packet being sent to a routing functionality of the cell site element such that it may be directed to a next destination.

The Examiner concedes that *Feder* fails to offer many of these limitations, but incorrectly uses *Scarmalis* to fill this void. Turning to these references in order, first the compression issue lacking in *Feder* is fundamental. A significant objective of the teachings of the pending subject matter is bandwidth reduction through effective compression techniques. A reference that does not even compress payloads is arguably not even germane to the pending prosecution. In addition, the actual extraction of an HDLC payload does not appear to be recited in *Feder*. Thus, *Feder* is flawed in at least these two regards (in addition to the conceded shortcomings of *Feder* as highlighted by the Examiner in the current OA). *Scarmalis* fails to account for a key being broken down into segments that are positioned into a source internet protocol (IP) address field, a user datagram protocol (UDP) source port field, and a UDP destination port field of a UDP packet. Note that all three of these parameters are now recited in Independent Claim 1, yet they are not accounted for in *Scarmalis*.

Thus, for at least the reasons outlined above, Independent Claim 1 is clearly allowable over the cited references. All of the other Independent Claims include a similar limitation and, thus, are also allowable over these references for analogous reasons. In addition, their respective dependent claims are allowable using a similar rationale. Notice to this effect is respectfully requested.

CONCLUSION


Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant believes no fee is due. However, if this is not correct, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214.953.6675.

Respectfully submitted,

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